

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

UNITED STATES OF AMERICA

v.

MICHAEL DAVID BEAR,

Defendant.

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Case No. 1:06CR00018

Case No. 2:05CR00029

FINAL ORDER

By: James P. Jones

United States District Judge

For the reasons set forth in the Opinion accompanying this Final Order, it is

ORDERED as follows:

1. Pursuant to the defendant's motion for reconsideration (DE 86) in Case No. 2:05CR00029, the Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 (DE 81) is REINSTATED to the active docket of the court;
2. Upon consideration of the defendant's new information regarding timeliness, the Motions to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 in both of the above referenced cases (DE 81 in Case No. 2:05CR00029; DE 111 in Case No. 1:06CR00018) are hereby DENIED as untimely filed and stricken from the active docket of the court; and

3. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: July 14, 2010

/s/ JAMES P. JONES

United States District Judge